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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,221	02/14/2001	Alexander I. Leyn	CISCP211/3428	2554
22434	7590	02/11/2005	EXAMINER	
BEYER WEAVER & THOMAS LLP			PHU, PHUONG M	
P.O. BOX 70250			ART UNIT	
OAKLAND, CA 94612-0250			PAPER NUMBER	
			2631	

DATE MAILED: 02/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/784,221

Applicant(s)

LEYN, ALEXANDER I.

Examiner

Phuong Phu

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 January 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) a set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1-13 and 17.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☒ Other: See Continuation Sheet.

PHUONG PHU
PRIMARY EXAMINER

Phuong Phu 2/8/05
Phuong Phu
Primary Examiner
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Continuation of 3. NOTE: New limitations added in claims 3 and 4 raise new issues that would change the scope of the invention originally claimed and previously prosecuted. Therefore, it would require further consideration and search.

Continuation of 11. does NOT place the application in condition for allowance because: Claims 1-13 and 17 are deemed not overcome the prior art cited in the Final Office Action. See Attachment for further explanation.

Continuation of 13. Other: Attachement
Notice of Reference Cited (PTO-892).

ATTACHMENT

This Attachment is responsive to the applicant's response filed on 1/25/05.

The applicant mainly argues that with respect to independent claims 1, 8, 9 and 17, neither Noda et al or Watanabe et al teaches or discloses a SYNC stream as a synchronization stream which is used to synchronize the timing of multiple components, such as multiple line cards in a router or multiple router (embodiments of the "receivers" as claimed); and therefore, neither Noda et al or Watanabe et al teaches or discloses the limitations as recited in the claims.

The examiner respectfully disagrees. The function of the "SYNC stream" as a **synchronization stream which is used to synchronize the timing of multiple components, such as multiple line cards in a router or multiple router** (embodiments of the "receivers" as claimed) is not found in the claims. Even though, for supporting the function of the "SYNC stream" as a **synchronization stream**, the applicant argues that, for instance, claim 1 recites SYNC receivers that convert qualified system time events, and thus the claims recites that the "SYNC stream", as a synchronization stream, has been used to change the timing output of events and temporal performance of a SYNC receiver, the examiner disagrees. First of all, being used to change the timing output of events and temporal performance of a SYNC receiver is not enough to show the "SYNC stream" performing "synchronizing" because that operation does not show the "SYNC stream" being used to form any fixed-phase or time-alignment relationship in a system, as a basic function of synchronizing, (note that it is well-recognized in the art that the function of "synchronizing" must at least form a fixed-phase or time-alignment relationship in a system (see definitions of "synchronization (data transmission)", "synchronizing signal (telecommunications)" and "synchronous (1)" listed in the "IEEE 100, The Authoritative

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Dictionary of IEEE Standards Terms” that the examiner hereby additionally cited to clarify a basic function of synchronizing). And secondly, the examiner does not agree that the claims recite the “SYNC stream” being used to change the timing output of events and temporal performance of a SYNC receiver. In fact, in claim 1 (and similar in other claims 8, 9 and 17), the “SYNC stream” is decoded into “qualified system time events” by “a SYNC decoder”, then the “qualified system time events” is converted to “one or more derived time events” by “a plurality of SYNC receivers”, and then the “one or more derived time events” is transmitted by “output interface”; namely, the “SYNC stream” does not perform any synchronizing in the “SYNC decoder”, “a plurality of SYNC receivers” or “output interface”, but, indeed, the “SYNC stream” is processed by these devices in order to be lastly formed into the “one or more derived time events”. Therefore, with the above rationale, it is deemed that in claim 1 and other claims 8, 9 and 17, the “SYNC stream” is not recites in the claims as a synchronization stream which performs synchronizing to form fixed-phase or time-alignment relationship(s) in a system.

In the claim examination, the limitation “SYNC stream” is, therefore, given a patentable weight merely as “a stream”, and considered being disclosed by Noda et al stream (17) or by Watanabe et al stream (T.S.) with reasons set forth in the Final Office Action.

Further, since that the rejection of the claims is based on limitations given in the claims and it is deemed that the claims are disclosed by Noda et al or Watanabe et al with reasons set forth in the Final Office Action, the rejection of the claims as being disclosed by Noda et al or Watanabe et al is still maintained.

Phung Phu 2/8/05

PHUNG PHU
PRIMARY EXAMINER